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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,089

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James L. Christofferson

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07/11/2005

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EXAMINER

CONLEY, FREDRICK C

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,089

Applicant(s)

CHRISTOFFERSON ET AL.

Examiner

FREDRICK C. CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 13 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 12, 13 and 20-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The indicated allowability of claims 12-13 and 20 is withdrawn in view of the newly discovered reference(s) to U.S. Pat. No. 6,901,617 to Sprouse et al. and U.S. Pat. No. 5,395,162 to Jay et al. Rejections based on the newly cited reference(s) follow. The Examiner regrets any inconvenience.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 recites the limitation "the pressure-distributing medium". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12 and 20-33 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,901,617 to Sprouse.

12, Sprouse discloses a seat cushion for a personal mobility vehicle, the seat cushion comprising;

a base 26;

a pressure-distributing medium 28 supported by the base; and

a cover 30 covering the base and the pressure-distributing medium, wherein the cover comprises;

a pocket 98 for receiving the pressure-distributing medium; and

top and bottom fabric panels joined together with an opening provided therebetween that is selectively opened and closed via one or more fasteners (102,103), wherein the pocket is formed from a piece of fabric secured adjacent an underside of the top fabric panel so that an opening is presented along one side of the pocket (fig. 3).

Claim 20, Sprouse discloses a method for carrying a pressure-distributing medium in a personal mobility vehicle cushion, the method comprising the steps of:

- a) providing a cushion cover 30 having a pocket 98;
 - b) inserting a pressure-distributing medium 28 in the pocket;
 - c) securing the pressure-distributing medium to the inside of the pocket;
- and

d) inserting a base 26 in the cover so that the pressure-distributing medium is positioned above the base.

Claim 21, wherein the pressure-distributing medium is a fluid pad, such as air.

Claim 22, wherein the base includes a posterior seat well 40 for receiving bony prominences of a wheelchair occupant.

Claim 23, wherein the pocket is positioned at a rear of the cover substantially over the seat well (fig. 2-3).

Claim 24, wherein the pocket is provided within the cover (fig. 3).

Claim 25, wherein the pocket opening at a front end thereof (fig. 3).

Claim 26, wherein the pocket is closed along rear and lateral sides of the cover.

Claim 27, further including at least one fastener along the pocket for securing the pressure-distributing medium therein (102).

Claim 28, wherein the at least one fastener is in the form of a hook-and-loop type fastener (col. 5-6 lines 65-68 & 1-5).

Claim 29, wherein the one or more fasteners is a slideable fastener (col. 5 lines 53-65).

Claim 30, further comprising the step of fastening the cover closed.

Claim 31, further comprising the step of providing the pocket within the cover.

Claim 32, further comprising the step of providing a pocket opening that faces interiorly of the cover (fig. 3).

Claim 33, further comprising the step of providing a pocket opening that further faces forward of the cover (fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,901,617 to Sprouse et al. in view of U.S. Pat. No. 5,395,162 to Jay et al.

Claim 13, Sprouse discloses a seat cushion for a personal mobility vehicle, the seat cushion comprising;

- a base 26;
- a pressure-distributing medium 28 supported by the base; and
- a cover 30 covering the base and the pressure-distributing medium, wherein the cover comprises;
- a pocket 98 for receiving the pressure-distributing medium; and
- top and bottom fabric panels joined together with an opening provided therebetween that is selectively opened and closed via one or more fasteners (102,103), wherein the pocket is formed from a piece of fabric secured adjacent an underside of the top fabric panel so that an opening is presented along one side of the

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pocket (fig. 3). Sprouse fails to disclose a first fastening element is affixed to a top surface and a second fastening element is affixed to a bottom of the pressure-distributing medium. Jay discloses a seat cushion wherein a first fastening element is affixed to a top surface 34 and a second fastening element 34' is affixed to a bottom of a pressure-distributing medium. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ first and second fastening elements as taught by Jay in order to hold the pressure-distributing element in place on a top surface of fabric of Sprouse.

Allowable Subject Matter

Claims 19 is allowed.

Response to Arguments

Applicant's arguments with respect to claims 12-13 and 20 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 571-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



ALISON PICKARD
PRIMARY EXAMINER